

The 17th/21st December, 1976

No. 12626-4Lab-76/34999.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s. Bhupendra Cement Works, Surajpur :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 150 of 1973  
between

THE WORKMEN AND THE MANAGEMENT OF M/S. BHUPENDRA CEMENT WORKS,  
SURAJPUR

### AWARD

By order No. ID/AMB/77-72/39121, dated 20th September, 1973, the Governor of Haryana, referred the following dispute between the management of M/s. Bhupendra Cement Works, Surajpur and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workers should be paid wages for Janamshtmi which fell on 31st August, 1972, being paid festival holiday ? If so, with what details ?
- (2) Whether the grades of the workers mentioned in the enclosed list should be upgraded and their wrong designation as shown against their names corrected ? If so, with what details ?
- (3) Whether permanent vacant posts should be filled up ? If so, with what details ?
- (4) Whether rain coats should be provided to the workers who are required to work in open during the rains ? Is so, with what details ?
- (5) Whether the ceiling fan in each quarter should be provided in North colony quarters ? If so, with what details ?
- (6) Whether the conveyance facility/actual bus fare from Surajpur to Chandigarh and back should be given for children/dependents of all the workers who are going for higher education/professional training after 8th standard ? If so, with what details ?
- (7) Whether house rent should be charged Rs. 7-50 paise for single room quarter and Rs. 10 for double rooms quarters having bath and latrine ? If so, with what details ?

On receipt of the reference notices were given to the parties. The parties appeared and put in their pleadings. The following issues were framed by my learned predecessor vide order dated 12th August, 1975 :—

- (1) Whether the disputes Nos. 1, 2, 4, 7 as referred to this Tribunal by the Governor are barred and unmaintainable on the ground for the preliminary objection taken up by the management that the parties have already settled the dispute by way of subsisting settlement and awards ?
- (2) Whether dispute No. 6 as referred to this Tribunal by the Governor is not an industrial dispute ?
- (3) Whether the monthly-rated workers should not be paid extra wages for paid festival and national holidays which fell on the weekly rest days ?

The parties prayed for adjournment on the ground that they are negotiating a settlement and it is probable that a settlement might be arrived at. The case was fixed for settlement on 23rd November, 1976 at Ambala Cantt. On 18th November, 1976 the parties reached at Faridabad and filed a settlement and prayed that the settlement be recorded and award be given on the basis of the settlement but that day at Faridabad the cause list was very heavy and, therefore, the case was fixed for further proceedings in the matter at Ambala Cantt. On the said date on 23rd November, 1976 as previously fixed. That day the parties filed a settlement which is Exhibit X. The parties confirmed the settlement. The concerned union also owned the settlement and requested that the settlement may be made the award. According to the settlement, Exhibit X, I give my award as follows :—

- (1) As regards demand No. 1 for payment of wages for Janamshtmi which fell on 31st August, 1972, the union agreed not to press this demand, hence award that there is no dispute between the parties regarding this demand.

(2) As regards demand No. 2 regarding upgrading of workmen and correcting their own designations, the company has agreed to promote or re-designate the workmen as detailed below :—

1. Mr. Munshi Singh, T. No. 709 to Fitter 'C' Grade.
2. Mr. Labh Singh, T. No. 1455 to Assistant Fitter, 'D' grade.
3. Mr. Jeet, T. No. 696 to Sitcher 'D' Grade.
11. Mr. Siboo, T. No. 795 to Jamadar 'C' Grade.
12. Mr. Niranjana, T. No. 594 to Jamadar 'C' Grade.
24. Mr. Haroo, T. No. 433 to Hammerman 'D' Grade.
14. Mr. Gurmail Singh, T. No. 276 to Assistant Burner 'B' Grade.
23. Mr. Fateh Singh, T. No. 1181 to Cook 'C' Grade.
56. Mr. Bachna, T. No. 431 to Blacksmith 'C' Grade.
57. Mr. Amar Chand, T. No. 586 to Mistry 'C' Grade.
58. Mr. Sarwan, T. No. 716 to Assistant Fitter 'D' Grade.
59. Mr. Samunda, T. No. 290 to Fitter 'A' Grade.

The above workmen shall be so upgraded and designated subjected to their passing the trade test and shall be prospective.

The cases of workmen from S. Nos. 26 to 47 (both inclusive) and workmen described at Serial Nos. 49 and 50 shall be reviewed by the parties after about one year, when the impending mechanization of Bucket Unloading Operation are completed. The demand of other workmen mentioned in the list, but in respect of whom no settlement has taken place between the parties, has not been pressed by the union. Therefore, regarding the demand of upgrading and correction of wrong designation in respect of other employees mentioned in the list enclosed to the reference then the workmen described above, in respect of their upgradation and correct designation against their S. Nos., I award that there is no dispute between the parties.

**Demand No. 3.**—The union of the workmen has agreed to withdraw this demand. Hence there is no dispute between the parties in respect of this demand.

**Demand No. 4.**—As regards demand No. 4 the said settlement provides that the management shall issue rain coats to shift electrician and pump attendant once in three years. As regards the rest of the workmen this demand is withdrawn by the union. Hence there is no dispute between the parties on this demand in respect of all other workmen than shift Electricians and Pump Attendants whose demands have been acceded to by the management as said above.

**Demand No. 5.**—As regards demand No. 5 regarding ceiling fans in North colony Quarters, the union of the workmen has agreed not to press this demand. Hence there is no dispute between the parties in respect of this demand.

**Demand No. 6.**—As regards demand No. 6 regarding Conveyance Facility or actual Bus fair for children and dependents of the workmen going for higher education/professional training after 8th standard, the union of workmen has agreed not to press this demand and the management has also agreed to continue the present school bus facilities. It is, therefore, awarded that the present school bus facilities shall be continued by the management and as regards remaining part of this demand, there is no dispute between the parties.

**Demand No. 7.**—As regards demand No. 7 regarding house-rent, etc., the union has agreed to withdraw this demand, hence there is no dispute between the parties in respect of this demand.

**Demand No. 8.**—As regards demand No. 8 which seems to have been numbered 9 erroneously in the reference, the union has agreed to withdraw this demand. This demand relates to payment of extra wages for Festival and National Holidays. The union has agreed to withdraw this demand hence there is no dispute between the parties in respect of this demand.

The parties have agreed that this settlement shall remain in force for a period of three years and the union will not raise any dispute covered by the subject matter of the settlement for the said period. Hence it is awarded

that this settlement shall remain in force for a period of three years hereafter and the union shall not raise any dispute covered by the subject-matter of the settlement for the said period. The award is submitted accordingly.

Dated, the 6th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1269, dated 6th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 6th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 21st December, 1976

No. 12621-4Lab-76/35001.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Delhi Automobiles Private Limited, 12/5, Milestone, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 144 of 1976

between

THE WORKMEN AND THE MANAGEMENT OF M/S. DELHI AUTOMOBILES PRIVATE  
LIMITED, 12/5, MILESTONE, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/594-B-76/25651, dated 29th July, 1976, the Governor of Haryana referred the following dispute between the management of M/s. Delhi Automobiles Private Limited, 12/5, Milestone, Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the action of the management in changing the working hours,—*vide* notice, dated 10th November, 1975 is justified and in order? If not, to what relief the workmen are entitled?

On receipt of the reference notices were issued to the parties. Both the parties were served. The workmen appeared through their representative but the management did not appear, hence the management was proceeded *ex parte* and the case was fixed for the *ex parte* evidence of the workmen on 15th October, 1976.

On 15th October, 1976, the evidence of the workmen was recorded. The workmen examined one Shri Itbari Lal workman as W.W. 1 and Shri Sushil Bhattacharia, General Secretary of the union as W.W. 2. The workmen closed their case on that very day. I have heard the argument of the representative of the workmen. The workmen have stated that formerly they were performing  $7\frac{1}{2}$  hours work daily except Saturday and Saturday used to be half day. The workmen have produced Exhibit W-4 a letter which union wrote to the management in which it is stated that on Saturday they have to do the work for  $4\frac{1}{2}$  hours whereas on other days they have to work for  $7\frac{1}{2}$  hours daily. In this way they stated that formerly they had to work for 42 hours a week, one day being weekly off day. The workmen have proved, Exhibit W-1 a copy of the notice changing the working hours. That notice has provided for 48 hours work a week, detailed below :—

Monday to Saturday  
Lunch 1 P.M. to 1.30 P.M.

.. 9 A.M. to 5.30 P.M.

I have perused the evidence of the workmen. Section 9-A of the Industrial Disputes Act empowers the management to effect a change in working hours. Section 9-A allows change in any matter specified in 4th Schedule of the Industrial Disputes Act. Item No. 4 of the 4th Schedule relate to hours of work and rest interval and therefore section 9-A allows the management to effect a change in working hours. Section 9-A has placed

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two conditions only when the management want to effect change in working hours. First condition is that no change in working hours shall be effected without giving a notice to the workmen. Second condition is that such condition shall not be implemented till the expiry of 21 days of the date of the notice. The notice, Exhibit W-1 has clearly mentioned that this change in working hours shall be implemented after 21 days. Hence there is no contravention of section 9-A of the said Act *ibid*.

As far as the maximum working hours for which a workman can be compelled to work according to law is 48 hours a week. In this context section 51 of the Factories Act, 1948 is relevant which is reproduced below: —

“No adult worker shall be required or allowed to work in factory for more than 48 hours in a week.”

It means a adult worker is required to work for maximum 48 hours a week. This section 51 of the said Act find support from section 59 of the said Act where it is provided that if a worker works for more than 9 hours in a day or for more than 48 hours in a week shall get over time wages at the rate of twice his ordinary wages. This also means that 48 hours work is allowed in a week and the management have not contravened these provisions of the Act. The management are within their rights to effect a change in working hours, by taking work from the workmen for 48 hours in a week. This is applicable to the adult workmen.

This is no where the case of the workmen that “adolescent and child” workmen are effected by the change brought out by the management in working hours. The workmen have simply stated “workmen” which term generally applies to adult workmen. Therefore, the action of the management in changing the working hours,—*vide* notice dated 10th November, 1975 in respect of adult workers only is justified and in order and therefore, the workmen are not entitled to any relief.

I therefore submit my award as follows :—

That the action of the management in changing the working hours of Adult workmen,—*vide* notice dated 10th November, 1975 is justified and in order. Hence the workmen are not entitled to any relief.

Dated the 8th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1292, dated the 9th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 9th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

**No. 12620-4Lab-76/35003.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Elsons Cotton Mills (P) Ltd., Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD.

Application No. 18 of 1974 under Section 33-A of the Industrial Disputes Act, 1947.

between

SHRI KANWAR PAL WORKMAN AND THE MANAGEMENT OF M/S. ELSONS COTTON  
MILLS (P) LTD. BALLABGARH.  
AWARD

This application was filed by Shri Kanwar Pal Winding Department of M/s. Elson Cotton Mills (P) Ltd. Ballabgarh under section 33-A of the Industrial Disputes Act, 1947 alleging that the managements has been guilty of contravention of provisions of section 33(2) (b) of the Industrial Disputes Act. The workman alleged that he was illegally dismissed by the management and at that time an industrial dispute No. 104 of 1970 was pending which was a general reference and that the management did not submit an application under section 2(b) of section 33 immediately i. e. on very day. The workman prayed that the Tribunal may please decide the complaint.

Notices were issued to the parties. The parties filed their pleadings. The management stated that they have settled the dispute on 4th July, 1974. The workman has admitted the signatures on the original settlement on 14th November, 1974 before this Tribunal. The following issues were framed by my learned predecessor on 28th May, 1975.

- (1) Whether the management has contravened the provisions of section 33 of the Industrial Disputes Act, 1947 by dismissing the workman concerned from service during the pendency of reference No. 104 of 1970 ? (on workman)
- (2) If issue No. 1 is proved what relief is the complainant entitled to ? (on workman)
- (3) Whether there has been a settlement of the dispute as alleged by the management ? If so, on what term ? (on management)

The evidence of the management was recorded. The management examined M. W. 1 Shri Jawala Singh their Labour Officer. The workman examined himself as a witness as W. W. 1. The case was then fixed for arguments. Finally the case was fixed for argument on 15th October, 1976. On 15th October, 1976 the representative of the workman withdrew from the said application. He stated that he shall raise a regular dispute. The application under section 33-A of the Industrial Disputes Act, 1947 by the workman therefore, lost merits. This application is therefore, dismissed. No order as to costs. However, the dismissal of this application shall not debar the workman from raising a regular dispute. At present I find that there is no dispute between the workman and the management on the question of the workman's dismissal from service on 25th June, 1974 by the management, involved in the said application.

Dated the 8th December, 1976.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1291, dated the 9th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 9th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

**No. 11925-4Lab-76/35007.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Oswal Engineering and General Works, 48, Industrial Area, Faridabad.

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD**

**Reference No. 126 of 1976**

*between*

**SIRI MAHABIR SINGH, WORKMAN AND THE MANAGEMENT OF M/S OSWAL  
ENGINEERING AND GENERAL WORKS, 48 INDUSTRIAL AREA, FARIDABAD**

**AWARD**

By order No. ID/FD/921-75/22039, dated 25th June, 1976 the Governor of Haryana referred the following dispute between the management of M/s Oswal Engineering and General Works, 48 Industrial Area, Faridabad and its workman Shri Mahabir Singh to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

**Whether the termination of services of Shri Mahabir Singh was justified and in order ? If not, to what relief is he entitled ?**

This case was fixed Yesterday but the workman or his representative was not present inspite of service of notice upon him. However, Yesterday the representative for the management had stated that the workman had left the factory and had received all his dues in full and final settlement of his claim. Hence the case was adjourned today for the *ex parte* evidence of the management. Today the management examined Shri Prem

Nath Kapoor, Security Officer of the management who stated on oath that the workman settled with the management,—vide EX. M-1 and has received a sum of Rs. 7,000 per cheque according to the settlement as full and final settlement of his claim. The receipt evidencing the payment of Rs. 7,000 is Ex. M-2, Ex. M-3 and M-4 are the documents implementing the settlement.

As the workman has received Rs. 7,000 in full and final settlement of his claim and have left the factory of the management and did not appear before the Tribunal for pursuing his claim, I am satisfied that there is no dispute between the parties. I, therefore, give my award as follows :—

That there is no dispute between the workman and the management.

Dated the 12th November, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1242, dated 12th November, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes, Act, 1947.

Dated the 12th November, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 17609-4Lab-76/35009.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Hindustan Pottery Industries, Bahadurgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 148 of 1976

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S. HINDUSTAN POTTERY INDUSTRIES,  
BAHADURGARH

#### AWARD

By order No. ID/RK/161-A-75/24769, dated 22nd July, 1976, the Governor of Haryana referred the following dispute between the management of M/s Hindustan Pottery Industries, Bahadurgarh and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workmen working in the factory are entitled to grant of annual increments? If so, with what details?
- (2) Whether the workmen should be given attendance cards? If so, with what details?
- (3) Whether the workmen should be supplied with uniforms? If so, with what details?
- (4) Whether sanitary conditions and cleanliness in factory and residential quarters of the factory should be improved? If so, upto what extent?

On receipt of the reference notices were issued to the parties. The parties appeared and put in their pleadings. The following issues were framed on the pleadings of the parties on 2nd November, 1976:—

- (1) Whether the demands have been espoused by substantial number of workmen?
- (2) Whether the workmen are entitled to annual increments?
- (3) Whether the workmen are marked absent when present? If so, to what effect?
- (4) Whether the workmen are entitled to uniforms as prayed for in para No. 3 of the statement of claim?
- (5) Whether the factory Premises remain clean and all sanitary requirements have been provided by the management? If not, to what effect?

The case was fixed for evidence of the workmen for today at Bahadurgarh. Today the representative of management is present. None from and on behalf of the workmen is present. On the last date of hearing i. e. 2nd November, 1976 one Zila Singh for the workmen was present. The workman knows that the case is fixed for their evidence today but in spite of their knowledge of the date of hearing of this case today, none has appeared. It is 1 P. M. In the circumstances, I am of the opinion that the workmen are not interested in pursuing this matter. Hence I find that there is no dispute between the parties and I give my *ex parte* award, in the absence of the workmen as follows—

That there is no dispute between the parties.

Dated 2nd December, 1976

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1274, dated 6th December, 1976

Forwarded (four copies) to Secretary to the Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 6th December, 1976

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 12610-Lab-76/35011.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the management of M/s. Chemical Construction Company, Private, Limited, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD.

Reference No. 139 of 1976.

between

THE WORKMEN AND THE MANAGEMENT OF M/S. CHEMICAL CONSTRUCTION  
COMPANY PRIVATE LIMITED, FARIDABAD.

#### AWARD

By order No. ID/FD/28-E-76/24809, dated the 22nd July, 1976 the Governor of Haryana referred the following disputes between the management of M/s Chemical Construction Company, Private Limited, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the grades and scales of pay of the workmen should be revised? If so, with what details?
- (2) Whether the workmen should be supplied with uniforms? If so, with what details?

On receipt of the reference, notices were issued to the parties. The parties appeared Shri Sukh Ram whose signatures appeared on the demand notices as General Secretary of the Union was not served. Notices were again sent to the General Secretary of the Union Shri Sukh Ram, but Shri Sukh Ram was not found on the address given in the reference. Service was impossible against him. On the date fixed for appearance of the parties, Shri Sannamal and Daulat Ram appeared for the workmen. It was ordered on that day that Sannamal should produce authority from the workmen on 1st December, 1975. On 1st December, 1975 Shri K. L. Sharma appeared on behalf of the workmen and produced the authority on behalf of the workmen bearing thumb impression and signatures of the workmen. The management also appeared. Both the parties stated that they have arrived at a settlement and filed written settlement. The settlement bearing the signatures of the authorised representatives of both the parties. Both the parties owned the settlement and prayed that the award be given on the basis of the settlement. I have perused the settlement and the statements of the parties. The settlement appears to be a genuine document. I accept the settlement therefore, and give the award on the basis of the settlement.

(1) As regards demand No. 1, given in the reference, I award that the management shall give annual increment of 5 per cent to their workmen with effect from 1st July, 1976. Similarly another increment of similar amount shall be given to the workmen with effect from 1st July, 1977. Demand No. 1 has been settled and award given thereon accordingly.

(2) As regards demand No. 2 regarding supply of uniform, it is awarded that the management shall supply one Woollen Jersey of the value of Rs. 70/-approximately in this Winter. This Woollen Jersey shall be for a period of two years. In addition to this, the management is already supplying two sets of Cotton Uniforms for every year, which supply shall be continued by the management.

(3) That the workmen shall have no further claim in respect of the demands under this reference for a period of two years hereafter.

I submit the above award accordingly.

Dated, the 2nd December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1275, dated the 6th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment, Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 6th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 12624-Lab-76/35017.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Bhupendra Cement Works, Surajpur.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 171 of 1973

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S. BHUPENDRA CEMENT WORKS,  
SURAJPUR

AWARD

By order No. ID/AMB/77-72/40811, dated 10th October, 1973, the Governor of Haryana, referred the following dispute between the management of M/s. Bhupendra Cement Works, Surajpur and its workmen to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether aprons, safety boots and loading allowance should be given to the workers who work on loading/stacking cement bags? If so, with what details?

On receipt of the reference notices were given to the parties. The parties appeared and put in their pleadings. The following issues were framed by my learned predecessor,—*vide* order, dated 12th August, 1975:—

- (1) Whether the disputes Nos. 1, 2, 4, 7 as referred to this Tribunal by the Governor are barred and unmaintainable on the ground for the preliminary objection taken up by the management that the parties have already settled the dispute by way of subsisting settlement and awards?
- (2) Whether dispute No. 6 as referred to this Tribunal by the Governor is not an industrial dispute?
- (3) Whether the monthly rated workers should not be paid extra wages for paid festival and national holidays which fell on the weekly rest days?



The parties prayed for adjournment on the ground that they are negotiating a settlement and it is probable that a settlement might be arrived at. The case was fixed for settlement on 23rd November, 1976 at Ambala Cantt. On 18th November, 1976 the parties reached at Faridabad and filed a settlement and prayed that the settlement be recorded and award be given on the basis of the settlement but that day at Faridabad the cause list was very heavy and therefore the case was fixed for further proceedings in the matter at Ambala Cantt., on the said date on 23rd November, 1976 as previously fixed. That the parties filed a settlement which is exhibit X, according to the settlement, the union named Bhupendra Cement Karamchari Union agreed not to press the demands for a period of three years. In this case the workmen's union named Bhupendra Cement Workers Union was also a party and this union was added as a party by my learned predecessor's order, dated 16th December, 1974.

The said Bhupendra Cement Workers Union withdrew from this reference as a party,—*vide* their application, dated 12th November, 1976. I, therefore, reached the conclusion that there is no dispute between the parties on the demands covered by the reference for a period of three years hereafter to come. I, therefore, submit my award as follows :—

That there is no dispute between the parties on the demands referred to this Tribunal for a period of three years hereof.

Dated, the 6th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1268, dated the 6th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 6th December, 1976.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

P. P. CAPRIHAN,  
Commissioner and Secy.

#### PUBLIC WORKS DEPARTMENT

##### PUBLIC HEALTH BRANCH

The 9th/24th December, 1976

No. 12756-PWIII(4)-76/43159.—On attaining the age of superannuation, Shri J. L. Sethi, Chief Engineer, Public Works Department, Public Health Branch, retired from Government Service with effect from 1st December, 1976 (forenoon). He handed over the charge of the post of Chief Engineer, Public Works Department, Public Health to Shri L. M. Chaudhry, who has been promoted as Chief Engineer in the scale of Rs. 2,250—125—2,250/2—125—2,750.

V. P. JOHAR,  
Commissioner & Secy.

#### IRRIGATION DEPARTMENT

The 25th December, 1976

No. 17368/I-L/NGL.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government, at public expenses, for a public purpose, namely, for the acquisition of land proposed to be acquired for Kiln at opposite R.D. 7.400 K.M. (Right side) of Kanwala Distributary for the construction of Nagal Lift Irrigation Scheme in Village Balana, tehsil Ambala, district Ambala, it is hereby notified that the land in the locality specified below is to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers of Irrigation Department for the time being engaged in the undertaking along with their servants, workmen, etc., to enter upon and survey land in the locality and do all other acts, required or permitted by the section.

Further, whereas the Governor of Haryana is satisfied that the land is required for an irrigation channel which is of very urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of the said Act, and whereas the Governor of Haryana is of the opinion that the provision of sub-section (2) of the said section are thus applicable, it is hereby directed under sub-section (4) of section 17 of the said Act that the provision of section 5-A of the said Act shall not apply in regard to this acquisition.

## SPECIFICATION

District	Tehsil	Village	Area in Acres	Hadbast No.	Locality
					A plot measuring 9.38 Acres opposite R.D. 7.400 K.M. (Right side) of Kanwala Disty. for the Kiln and as shown on the Index Plan and demarcated at site falling in the field Nos. as per detailed below :—
				Rectangle No.	Field Nos.
Ambala	Ambala	Balana	9.38	173	52 11, 10, 1/1, 1/2 51 5, 6, 14, 15, 7, 17, 4

No. 17369/1-L/NGL.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expense, for a public purpose, namely, for the land proposed to be acquired for Kiln at opposite R.D. 7.400 K.M. (Right side) of Kanwala Distributary for the construction of Nagal Lift Irrigation Scheme in village Balana, tehsil Ambala, district Ambala, for which Notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section 17 of the said Act and published,—vide Haryana Government Notification No. 17368/1-L/NGL, dated the 25th December, 1976. In *Haryana Government Gazette, Part I*, it is hereby declared that the Land described in the specification below is required urgently for the above purpose.

The declaration is made under the provisions of sections 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plans of the land may be inspected in the office of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Ambala and the Executive Engineer, Sutlej-Yamuna Link, Division No. I, Model Town, Ambala.

## SPECIFICATIONS

District	Tehsil	Village	Area in Acres	Hadbast No.	Locality
					A plot measuring 9.38 Acres opposite R.D. 7.400 K.M. (Right side) of Kanwala Distributary for the Kiln and as shown on the Index Plan and demarcated at site falling in the field Nos. as per detailed below :—
				Rectangle No.	Field Nos.
Ambala	Ambala	Balana	9.38	173	52 11, 10, 1/1, 1/2 51 5, 6, 15, 14, 7, 17, 4